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LABOR LAW IN OUTER MONGOLIA, 14 FEBRUARY 1947

[Comment: The following report gives in full the labor law of Mongolia, as published in the Russian-language book Konstitutsiya i Osnovnyye Zakonodatel'nyye Akty Mongol'skoy Narodnoy Respubliki (Constitution and Basic Legislation of the Mongolian People's Republic) published in Moscow in 1952. This book, edited by S. S. Demidov, was originally translated from the Mongolian language.]

I. Procedure for Hiring and Discharging Workers and Employees

Article 1. The hiring of workers takes place by voluntary agreement between the employer and the worker in accordance with the labor law.

Article 2. Any citizen may work for state or cooperative enterprises or organizations under definite working conditions (wages, housing, working clothes, etc.). A written labor contract is not required.

Article 3. The hiring of workers by state or cooperative enterprises for a definite period of time (either through recruitment or by individual contract) may be stipulated by special written agreement of both parties (labor contract).

Article 4. Agreements (labor contracts), contradictory to the Labor Law or destructive to the conditions of labor as described herein, are null and void.

Article 5. All workers in state, cooperative, and public enterprises must have an individual workbook, irrespective of the place and nature of the work. This applies to all workers whose assignment is over 5 days.

Article 6. State, cooperative, and public enterprises may draw up a labor agreement with a group of people -- an artel -- to carry out some special work (construction, etc.), but with payment based on the standard administrative rate. In such a case, the artel is responsible for the contract, but it may allocate the work at its own discretion.

Article 7. The administration of the enterprises and organizations may set up all categories of workers for the period of one month on a trial basis. At the end of this period, adjustments are to be made in accordance with the facts of the case. Wages must be based on the categories set up.

Article 8. Minors not less than 15-years old may work for state, cooperative, and public enterprises with the consent of their parents or guardians. Wages are to be based on the work done. All labor regulations, except number of hours a day, are applicable to minors.

Article 9. Discharging of workers takes place:

a. By decision of the administration of the enterprise in agreement with the labor unions, or through staff reduction due to completion of enterprise.

b. By expiration of designated time, if no other work is available in the same enterprise.

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- c. In case of the unfitness of the worker and the inability of the enterprise to find suitable work for him.
- d. In case of indictment and detention by court sentence.
- e. In case the worker is called into military service.
- f. In case the worker goes into election work.
- g. In case of loss of ability to work, prolonged illness, the status of an invalid. This situation requires the proper documents and medical statement.
- h. By expiration of the agreed time (labor contract) in the case of temporary or seasonal work.

NOTE: In the case of Article 9, Paragraph a, 2 weeks notice must be given, or payment for an additional 2 weeks must be made.

Article 10. In case there is need for leaving the work because of personal or family reasons, the workers may turn in a written application for leaving, in the name of the director of the enterprise, a month in advance. The director is to turn in a decision within 3 days indicating "yes" or "no" (with reasons). In case of refusal, the worker may send an application to the conflict committee whose decision is final.

Article 11. In all cases of dismissal from work, the proper notations are to be made in the workbook.

II. Duties and Responsibility of Persons Working for Pay

Article 12. The worker hired by state, cooperative, and public enterprises is obliged:

- a. To work honestly and conscientiously, fulfilling all his duties and observing labor discipline.
- b. To carry out accurately all the orders of his superiors.
- c. To avoid all nonproductive activity during working hours (conversational distractions, etc.).
- d. To protect all social property.
- e. To keep one's place of work sanitary as well as one's person.
- f. To master the technical problems of the work assigned.
- g. To strive to improve production as the basis for material and cultural progress.
- h. To aid the economic and political growth of the country by observing one's social duties.

Article 13. It is forbidden to leave voluntarily one's work before the end of the workday or to be absent voluntarily from one's work. Persons who engage in such practices are disorganizers of production, and are subject to the labor law of the state.

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Article 14. Lateness to work, early departures for lunch, early departures from work, idleness at work, unofficial use of time during working hours are excessive violations of work discipline.

a. Worker who commits any of the above without good reason, is subject to one of the following penalties, imposed by the administration: reproof or rebuke; rebuke with notice of dismissal; reduction to a lower grade with less pay for a period of 3 months; removal to a lower position.

The worker, who commits three violations in the course of one month or four violations in the course of 2 months, is subject to the production court, and at worst, if these violations are repeated, he is subject to designation by the court as a malicious infringer of the labor law, and may be sentenced by the court to corrective labor up to 3 months, with 10 percent of his pay withheld for allocation to the government.

Article 15. In case of absence from work during a whole day with no valid reason, the administration of the enterprise is obliged to apply a heavy penalty; if this violation is repeated in the course of the next 3 months, the worker is subject to legal action similar to that outlined in Article 14.

NOTE: Valid reasons for absence from work:

- a. Sickness (attested by physician) of the worker or a member of his family.
- b. Quarantine, set up by a physician.
- c. Compulsory absence because of elemental calamity (fire, flood, etc.).
- d. Attendance in court under subpoena.

Article 16. It is forbidden to leave voluntarily one's work at all times without the consent of the administration of the enterprise or organization. (Decision of the Presidium of the Lesser Assembly, 4 September 1943.) Violators of this law are subject to legal decision involving corrective work from one to 6 months and retention of 10 percent to 25 percent of their pay during that time. In case of deviation in the line of work, resulting in court decision for corrective labor, time spent in corrective labor is not included in estimating length of service or other privileges.

NOTE: The decisions on conditions of work, as outlined in Articles 14, 15, and 16 of this law, are ~~not extended~~ to workers hired by private persons (contractors, artisans, tradesmen, etc.) or by people's farms.

Article 17. The worker who causes property damage to the enterprise in the course of his work as a result of carelessness, violation of the labor law, or disobedience to instructions (damage to materials, tools, etc.) is subject to property adjudication by the enterprise concerned and may be fined the cost of the damage up to a month's pay.

Article 18. The worker who causes the employer property damage by way of criminal conduct, as described in the Criminal Code, is responsible for the full amount of the damage or loss as determined by the decision of the court.

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Article 19. The worker assumes complete responsibility for all property in his charge (tools, working clothes, measuring instruments, etc.). The worker is responsible for the cost of their damage or loss.

Article 20. Persons being trained at public cost in specialist schools, technical school, etc., are obliged to work in the field of their training 2 years for every one year of training.

Article 21. Persons, being trained at public cost, infringing Articles 17 and 20 of this law, are materially responsible for their training cost to the extent of the time not completed [in training or work]. However, the period of time may be shortened officially when sufficient cause warrants it.

Article 22. Workers in state and cooperative enterprises, who have worked conscientiously for a long period of time in the same enterprise, may be rewarded with an increase in their official base pay as well as with other privileges by special decision of the Council of Ministers.

Article 23. Workers, who become models of production by means of shock work or through surpassing the norms, may be rewarded as follows:

- a. Commendation by order of the enterprise.
- b. Money reward.
- c. Promotion to higher work or higher pay.
- d. Appropriation of the title "Shock-worker," with the issuance of a special workbook.
- e. Reception of a badge of honor with other insignia issued by the Mongolian People's Republic.

Article 24. Enterprises under this law may set up bonus funds for the payment of monetary or other material rewards to outstanding workers.

III. Rights and Duties of Management

Article 25. The management of state, cooperative, and social enterprises or organizations is obliged:

- a. To observe accurately the labor law and the decisions of the leading agencies of the Republic with the introduction of office regulations safeguarding the necessary order within the enterprises and organizations.
- b. To strengthen in every possible way the work discipline of those instructed in it.
- c. To provide all workers in enterprises and organizations with work and production assignments under conditions which allow them to be carried out.
- d. To take measures to insure the realization of the responsibilities of all workers, as described in Article 13 of this law.

Article 26. The management of state, cooperative, and social enterprises or organizations has the right:

- a. To hire labor under conditions outlined in Chapter I of this law.

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- b. To impose penalties on workers who violate the labor law.
- c. To bring to court persons who purposely avoid work discipline, who are disorganizers of production, or who dispense with general responsibility.
- d. To lower the rating and assign to work with less salary workers in accordance with the stipulations outlined in the labor law.
- e. To transfer workers to other work qualifications without reduction of pay if the nature of production calls for it.
- f. To transfer workers to other work without change of qualification or reduction of pay, irrespective of their personal desires, if the demands of production so indicate.
- g. To assign workers to work in different places if the situation has been so decided by the Council of Ministers.

Article 27. Managers of enterprises and organizations who fail to take measures with regard to shirkers, disorganizers of production, or persons violating the labor law are subject to criminal action in accordance with Article 96 of the Criminal Code.

IV. Internal Regulation System

Article 28. In all enterprises and organizations having not less than five workers, labor regulations are set up internally. In these regulations all general and special responsibilities of the workers should be clearly defined, as well as the responsibilities of the administration. In all enterprises and organizations having less than five workers, labor regulations are set up by a higher organization.

Article 29. These internal regulations must be in accordance with labor laws and decisions, and should be explained to the workers in detail and kept in a conspicuous place.

Article 30. The Central Committee of the Labor Unions will publish exemplary internal regulations approved by the Council of Ministers.

Article 31. The regulations for all kinds of separate enterprises are worked out in accordance with the principle outlined in the exemplary regulations, by agreement with the administration and the local labor unions.

V. Work Norms

Article 32. To guarantee normal productive activity in enterprises and to fulfill production plans, work norms are set up. Norms are set up in agreement with management and labor unions (or their representatives).

Article 33. In cases of nonfulfillment of work by employees in state, cooperative, or social enterprises through their own fault, the pay is adjusted according to the actual quantitative and qualitative work accomplished. If the nonfulfillment of the norm is not the fault of the worker, then he has the right to receive not less than two thirds return based on the average of his work.

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Article 34. In case of systematic nonfulfillment of work norms, the worker may be transferred to another kind of work.

NOTE: Normal working conditions include:

- a. Proper care of machinery and tools.
- b. Proper assignment and delivery of material and tools which are needed for production.
- c. Proper sanitary and hygienic conditions of work along with normal temperature, light, and ventilation.

VI. Working Hours

Article 35. The length of time for normal work in all enterprises engaged in productive or auxiliary activities is limited to 8 hours a day. In seasonal work (at machine-harvesting stations, government farms, etc.) the length of time of a day's work may be extended in agreement with the labor union.

Article 36. The length of working time is limited to 7 hours a day:

- a. In the case of persons from 16 to 18 years of age.
- b. In the case of persons working underground in mines.

For persons in especially difficult or dangerous enterprises, a further reduction of the length of working time is allowed. A list of such enterprises and the amount of work time allotted by them are determined by the Labor Union and approved by the Council of Ministers.

Article 37. The length of time of night work in any enterprise is reduced by one hour as compared with Articles 35 and 36 of the present law concerning working hours. Payment for night work shall be without any reduction in pay for daily work.

Article 38. Night work is calculated from 2200 hours to 0600 hours.

Article 39. The work of electoral, political, official, professional, or agricultural workers is not based on the working hours discussed in Articles 35 and 36 (above); hence, the working hours are not standardized. The category of such workers is determined by the Central Committee of the Labor Union and affirmed by the Council of Ministers.

Article 40. As regards other categories of workers (chauffeurs paid by the hour or for designated work, domestic servants, etc.), whose work does not fall into the categories of norms described in Articles 35 and 36 and where the work is carried on at indefinite periods of the day, the length of work time during the day may be lengthened, but not more than 12 hours a day.

Article 41. During the course of the normal working day, provision should be made for periods of nourishment and relaxation for all workers. The interruption of work should not be less than one half hour. The period of work interruption is not included in the designation of working time.

Article 42. The time of the beginning and end of the working day, and also the work interruptions are determined by regulation.

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Article 43. All productive and official work should be carried out during the normal working time to the full extent of the work assigned. Work above the normal working time is not allowed, as a rule, except in special cases involving national defense (transport, post and telegraph, telephone, etc.).

Article 44. Night work and overtime work are not allowed in the case of persons who have not attained their 18th birthday.

Article 45. Pregnant women are allowed night work and overtime only during the first 6 months of their pregnancy.

Article 46. The holding of two jobs is allowed only in case of inability to find a qualified worker to do the additional job. The categories of position, which may be accepted as second jobs and the nature of the pay connected with them are decided by special resolution of the Council of Ministers.

VII. Wage Payments

Article 47. The measure of remuneration to workers and employees for their work is set at their entrance into the work and by the conclusion of a labor contract.

Article 48. The payment for work done in government enterprises depends on the budget as worked out by the Ministry of Finance with the Central Committee of the Labor Unions and approved by the Council of Ministers.

Article 49. The measure of remuneration for work is determined by the contract, or periodically for normal working time. Overtime pay is in addition to regular pay; for the first hour the pay is regular, for time thereafter the pay is for time and a half.

Article 50. The pay of minors for the shortened day, according to Article 36, is the same as that for a full day's work within the same category of work.

Article 51. In cases of work completed by workers of various qualifications, the pay is based on the qualification required for the work.

Article 52. In case a worker is transferred to a lower paying job, the pay is based on the usual pay for that job as of the day of transfer.

Article 53. The pay for work of a permanent nature is made twice a month.

Article 54. Persons who withhold pay from workers up to 5 days beyond the designated time are answerable to management, but for withholding pay beyond 5 days, they may be brought into a court of law.

Article 55. Remuneration is to be made in money, but in special cases provided for in the labor contract, domicile, food, and clothing must be provided.

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Article 56. Remuneration for work must be carried out during nonworking hours, immediately before or after the time of actual work.

Article 57. At the dissolution of the labor contract, all remuneration matters should be settled (pay for work, pay for overtime work, compensation for leave not taken, discharge pay, etc.).

Article 58. Payment for work is preserved for the hired worker at all times including electoral periods, fulfillment of duties as a juror, presence in court as a witness, performance of duties under government orders, etc.

Article 59. In case of idleness caused by the fault of the worker, or in case of absence without good cause, pay will be withheld for the entire period covered by the idleness or absence without cause.

Article 60. In case the worker does not apply full time to his work as the result of attention paid to a second job his pay for the first job is reduced to cover the actual time on the job.

Article 61. Payment for defective work is as follows:

a. If the defective work was the fault of the worker, payment shall not be made for completely defective work, but for partly defective work compensation shall be made at a reduced rate.

b. If the defective work was the fault of the management, then the worker receives the usual amount of his pay.

Article 62. For workers in governmental enterprises or organizations who are called up for military service, their full pay is preserved at the assembly point.

Article 63. For workers who are called into territorial camps, their position is preserved, and during 4 months their pay is calculated as follows: for rank and file, 25 percent; political officers, 35 percent, Pieceworkers shall receive pay based on the basic rate.

Article 64. Workers who take the usual holidays shall receive pay for the whole period of the holiday in advance.

Article 65. For all calculations connected with workers' pay, the working month is taken as 30 days, but the working month is taken as 26 days for the pieceworker.

Article 66. In case the fulfillment of piecework extends over a long period of time, the worker shall receive payment periodically for his work up to the end of the work itself.

Article 67. Piecework done by a minor shall be compensated for in full at the same rate as that applied to piecework done by an adult.

VIII. Vacation and Rest Periods

Article 68. In accordance with the Basic Law (the Constitution), citizens of the Mongolian People's Republic have the right to resting time, thus shortening the working day from 8 hours to 7 hours, as well as annual vacations with pay and the creation of theaters, clubs, sanitariums, and rest homes for all workers.

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Article 69. All people working uninterruptedly for 11 1/2 months are entitled to 2 weeks of vacation during the year. Workers having a right to 3 weeks or a month's vacation are determined by Council of Labor Unions as approved by the Council of Ministers. Minors who work for pay are entitled to not less than a month's vacation.

Article 70. Usual vacations may take place any time during the year, but they must not interfere with the normal activities of the enterprise. The time when vacations take place is determined by management together with representatives of the labor union.

Article 71. Time off which is caused by illness or pregnancy is not counted within the time allotted to usual vacations.

Article 72. Unused vacation, which has not been accounted for with compensation, may be projected into the following year. The sum of unused vacation time may not be extended into a third year.

Article 73. All workers for pay have the right to one day off each week, on Sundays. The length of time allotted to the day preceding a day off is not reduced.

Article 74. On weekly holidays and festival holidays work is suspended except in those cases where the nature of the work is outside of a time schedule, such as in medicine, communications, transport, trade, food, electricity, and defense. Workers whose holidays are cut off for the above reasons may have their holidays assigned to other days of the week.

Article 75. Aside from the usual weekly holiday, work is not performed on the following days:

- a. 22 January, memorial day for V. I. Lenin.
- b. New Year's day.
- c. 1, 2 May, international solidarity of workers.
- d. 30 June, Constitution day of the Mongolian People's Republic.
- e. 11 July, commemorating the national independence of the Mongolian People's Republic.
- f. 7, 8 November, October Socialist Revolution.

Aside from the above, the following are also holidays: 12, 13, 14, and 15 July, general festival of the Republic, applicable to workers in central, state, cooperative, and social enterprises and organizations in Ulan Bator. The general festival consists of 3 days in provincial centers, 2 days in the subdistricts, and one day in the townships of the Republic. The date of the general festival in provinces, subdistricts, and townships is set each year by the Council of Ministers.

All women who work for pay shall have their working hours limited to 2 hours on 8 March.

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IX. Rights of Workers With Regard to the Exercise of Their Election Rights, Illness, Loss of Their Capacity to Work, Business Missions to Other Localities, and Transfer of Their Place of Work

Article 76. In case workers do not take their usual holidays, they have the right to be compensated on the basis of their average salary throughout the year.

Article 77. Upon being called into service, workers retain their employment and average earnings, to which are added:

a. In service outside of Ulan Bator into the provinces and back, a daily allowance consisting of 1.5 percent of a fixed monthly rate which is neither less than 3 tugriks nor more than 10 tugriks a day, as well as quarters or payment for quarters of not less than 3 tugriks a day.

b. In service within a province (from the center to a provincial subdivision) of not less than 2 days, a daily allowance consisting of one percent of the fixed rate, but neither less than 2 tugriks nor more than 5 tugriks a day.

Article 78. When a worker is moved from the center of a province or from one province to another, the worker and his family are moved without personal cost or means are supplied for the transfer based on weight of not more than 50 kilograms per person at the fixed rate of transport. A daily allowance is also provided as in the case of military service during the time work is suspended in order to transfer the place of work. If the worker moves to another place of work through his own private choice, the compensation described in this article does not apply.

Article 79. For workers receiving monthly pay, the payment during vacations or compensation is calculated on the basis of their average monthly earnings.

Article 80. In enterprises of such a nature that clothing is quickly worn out or that special clothing is required, the employer is obliged to provide without charge special clothing needed for the work. The types of work falling into this category are determined by the Central Committee of Labor Unions as approved by the ministries as well as the Council of Ministers. In case it is impossible to supply the proper clothing in such enterprises, the employers are obliged to compensate the workers in money to the extent of the personal cost to the worker.

Article 81. Workers who suffer temporary incapacity to work shall retain their jobs in the enterprise where they were working for a period of not more than 2 months in case of sickness, pregnancy, or childbirth. It is forbidden to reduce the rate of pay during a period of pregnancy.

X. Training of Personnel and Apprenticeship

Article 82. The training of experienced Mongolian personnel, both for organs of the state government and for industrial, economic, trade, public and cultural enterprises, establishments, and organizations, is a very important task which is to assure a speedier economic and cultural development of the Republic and a strengthening of its defense capacity and independence. One of the principal methods of fulfilling this task is apprenticeship and practical work of trainees.

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Article 83. Apprentices are persons who attend apprenticeship schools in industrial enterprises, or who are trained in workshops and brigades, as well as persons receiving individual on-the-job training under the supervision of qualified workers.

Trainees are persons who are receiving individual training and instruction on the job in state and public institutions and organizations under the supervision of the most experienced and best trained employees and specialists.

Article 84. Industrial apprenticeship schools are organized in all the larger enterprises and industries, while training brigades may be organized in any plant or factory. The administration of an enterprise is fully responsible for the correct organization and conduct of the training, in conformity with the joint instructions of the Central Council of Trade Unions, the Ministry of Education, and the proper [supervising] ministry; the heads of institutions carry the responsibility for the instruction of trainees.

Article 85. The period of apprenticeship should not be less than 6 months and not more than one year. The period of practical work for trainees is to be from 4 to 8 months.

Article 86. Apprentices and trainees should not be permitted to do any kind of work not related to their specialty.

Article 87. The Central Council of Trade Unions has the right to issue decrees regarding rules of apprenticeship and to exercise control over the correct organization of apprenticeship and training.

Article 88. Persons of either sex may be admitted as apprentices or trainees; apprentices should not be under 15 years of age and trainees not under 17 years.

Article 89. The heads of enterprises, institutions, and organizations are responsible for all the work pertaining to the selection, assignment, and training of personnel.

Article 90. In the event any persons who are paid at piece rates take part in the training and instruction of apprentices or trainees, they receive, in addition to their piecework wages, payment for the time spent in instructing the apprentice or trainee assigned to them, at the average wage tariff rate.

XI. Labor of Women and Minors

Article 91. The employment of persons less than 15 years of age is absolutely forbidden.

Article 92. It is forbidden to employ women or persons younger than 18 years of age in work which is particularly heavy or dangerous to health. A list of such enterprises is drawn up by the Central Committee of the Labor Unions in agreement with the Council of Ministers.

Article 93. Women, who are working for pay and who have worked for not less than 7 months, in case of pregnancy or childbirth, are freed from work with the preservation of their pay for 1 1/2 months before childbirth and 1 1/2 months after childbirth; if a woman has worked for less than 7 months, the above release applies minus the additional pay. Pregnant women may also be transferred to lighter work.

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Article 94. Mothers, suckling their children, are given time off in order to do this during the 7 months after the childbirth (see Article 41). The nourishment time should not be less than a half hour, which is to be included within the time of the working day.

XII. Procedure for Conscripting Citizens
of the Mongolian People's Republic
for Labor and Transport Services

Article 95. In exceptional cases, such as struggle against phenomenal calamities (fire, flood, heavy snow, etc.), declaration of war and national defense, lack of personnel to carry out the important demands of the government, all citizens of the Mongolian People's Republic may be called upon to perform work or enter into transport service by special decision of the Council of Ministers, with the exceptions mentioned in Articles 96 to 98 of this law.

Article 96. Labor conscription may not be applied to minors less than 18 years of age, men older than 45 years of age, or to women above 40 years of age.

Article 97. The following are relieved from labor conscription: (a) pregnant women; (b) women suckling their children, (c) women tending children 7 years of age or less, in the absence of other persons; (d) invalids; and (e) the sole supporter of the family during temporary incapacity to work.

Article 98. The order setting up labor and transport conscription, the nature and conditions of work, as well as the supplementary advantages and exemptions are decided by the Council of Ministers. No local organs are permitted to decide these questions, much less to organize labor conscription.

Article 99. The Council of Ministers has the right to conscript under special conditions other categories of citizens in the Mongolian People's Republic for important government work or labor conscription for a definite period of time with payment upon completion of work based on current rates and working conditions defined in the Labor Law.

XIII. Labor Protection

Article 100. All enterprises and organizations are obligated to take measures removing or ameliorating dangerous conditions of work, and removing unsanitary conditions in the factory, in accordance with decisions of the Central Committee of the Labor Unions and the Ministry of Health.

Article 101. Special protective clothing is provided workers who are located in exceptionally high or low temperatures, humidity, or unclean places. The norms of work, time allocated, and categories of workers have access to redress provided by the Central Committee of the Labor Unions and the Ministry of Health.

Article 102. Losses sustained by workers in the acquisition of working clothes up to the time of the work shall be borne by the workers. If upon dismissal from work the worker does not give his working clothes to the employer, since the time for receiving working clothes has not expired, the management may deduct the cost of the working clothes from his salary.

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Article 103. Enterprises and organizations are obliged to post in a conspicuous place all decisions and regulations concerning labor protection.

XIV. Trade Unions of Workers and Employees and Their Organs
in Enterprises, Establishments, and Organizations

Article 104. A trade union is a voluntary public organization which unites persons working for hire, regardless of their nationality; it operates on the basis of statutes; it takes part in the preparation of labor legislation; it regulates working conditions, and represents individual hired workers in dealing with different organs; it protects the interests of the hired workers according to established procedure; it represents the workers in all matters of labor and living conditions; it assists the heads of enterprises and establishments in strengthening labor discipline and a conscientious attitude towards work; it enjoys the rights of a juridical person and carries out its work within the limits and on the basis of existing laws.

Article 105. All state organs must fully cooperate with the trade union and its local organs, affording them adequately furnished space for conducting mass educational work. All state, cooperative and public enterprises, establishments and organizations, as well as private individuals employing hired labor (with the exception of "arat" [herdsmen] households), are obliged to make monthly deductions from wages paid to workers and employees in the amount of one half percent, payable to the trade union.

Article 106. The primary organ of a trade union in an enterprise, establishment or other administrative unit is the committee of workers and employees (factory-plant committee, mine committee, construction site committee, local committee, etc.), or, in the event of a small number of workers and employees, the function of the committee is performed by an authorized representative of a union replacing a committee. The scope of activity of factory-plant and local committees is determined by the statutes, as well as by instructions of the Central Council of Trade Unions.

Article 107. Meetings of the committee of workers and employees are held only outside working hours.

Article 108. The activity of the committee of workers and employees includes:

- a. Giving every kind of assistance in the normal course of production in state enterprises and performing work to strengthen labor discipline.
- b. Representing and protecting the interests of workers and employees in relation to the administration of an enterprise, or establishment, in matters regarding labor and living conditions of the workers.
- c. Checking the correct fulfillment by the administration of an enterprise, establishment, or other administrative unit of legally established norms for labor safety, social insurance, wage payments, sanitary rules, safety engineering, etc., and assisting state organs of labor safety.
- d. Conducting mass educational work and carrying out measures to improve the cultural and material living conditions of workers and employees.

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Article 109. The members of the Presidium of the Central Council of Trade Unions and members of "aymak" and city bureaus of trade unions, as well as their representatives and members of committees, have the right to visit freely, with special warrants, in enterprises, workshops, and their subdivisions, as well as in establishments and other administrative units, for the purpose of familiarizing themselves with labor and living conditions, and checking observance of labor law regulations.

XV. Procedure of Deciding Labor Disputes

Article 110. Labor disputes arising between workers and employees on one side and the employer on the other side are decided in [labor] disputes commissions or in aymak and city courts. Dispute commissions shall operate on the basis of special statutes and they shall decide questions coming under their jurisdiction in accordance with the statutes, as well as other disputes submitted to them for examination at the request of workers and employees, which disputes may arise in connection with the application of labor laws and regulations affecting individual enterprises.

Article 111. Dispute commissions are organized on the basis of an equal number of representatives of the employer, on one side, and of the committee of workers and employees, on the other side. All disputes are decided in dispute commissions entirely by the agreement of both parties, i.e., the representatives of the administration (employer) and of the labor force. A dispute commission is not authorized to make decisions changing, supplementing, or repealing the provisions of the labor law.

Article 112. The decisions of the dispute commission are final and shall not be subject to revision in regard to their substance.

Article 113. Aymak and city courts shall examine the following dispute cases:

a. Disputes, on which the dispute commission did not reach an agreement, or in cases where previous decisions have been reversed in the course of judicial review.

b. Disputes arising in connection with the application of labor law of regulations affecting individual enterprises, and of the list of imposed penalties.

c. All cases relating to violations of the labor law which are subject to investigation under criminal procedure.

XVI. Social Insurance

Article 114. "The citizens of the Mongolian People's Republic, who work for hire, have the right to material aid in old age, as well as in case of illness or loss of ability to work. This right is secured by social insurance for workers and employees at the expense of the government or the employer, with free medical aid for the workers and the development of a network of health resorts" (Article 78 of the Constitution of the Mongolian People's Republic).

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Article 115. Social insurance applies to all people working for hire, irrespective of whether they work for government, social, cooperative, or private enterprises, establishments, or farms, or for private persons.

Social insurance for persons working for hire includes: (a) the rendering of medical service; (b) grant-in-aid for temporary loss of capacity to work (sickness, maiming, quarantine, pregnancy, childbirth, care of a sick member of the family); (c) pension for disabled workers; (d) old-age pensions for persons working for hire; and (e) pensions for members of the family who work for hire in case of the death of the father of the family.

Article 116. All enterprises, organizations, and private persons employing labor are obliged to make contributions from the general sum of earnings to the fund for social insurance:

- a. Mining enterprises, 9 percent.
- b. Enterprises organized by government or local budgets, 3 percent.
- c. Enterprises and organizations in rural areas, 8 percent.
- d. Private enterprises (except those operated by cattlebreeders), 10 percent.

The social insurance deductions are made at the time wages are paid. The control over the handling of the fund is maintained by the Ministry of Health and the Ministry of Finance.

Article 117. The conditions of payment from the social insurance fund to workers temporarily incapacitated (illness, mutilation acquired through work, pregnancy and childbirth, quarantine) are determined by the social insurance regulations as approved by the Council of Ministers.

Article 118. Persons guilty of withholding or reassigning social insurance funds are answerable to the law. The use and application of social insurance funds are determined by the Central Committee of the Labor Unions and the Ministry of Finance.

Article 119. Nonpayment of insurance fees cannot be considered as the basis for nonpayment of salary.

XVII. Procedure of Hiring and Discharging Workers and Employees by Private Individuals (Contractors, Craftsmen, Tradesmen, etc.)

Article 120. The hiring of workers and employees by private individuals is done in accordance with the current law. The working hours and the amount of wages are determined by a voluntary agreement between both parties.

NOTE: The procedure of hiring workers by "arat" cattle-raising households is regulated by Chapter XVIII of this law.

Article 121. Workers and employees hired by private individuals shall enjoy all the rights and privileges established by the current law (one free day each week, a yearly vacation, prompt payment of wages, social insurance, labor safety, etc.

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Article 122. All labor agreements concluded by private individuals (contracts on the hiring of labor) are subject to obligatory registration by the employer in organs of the trade union.

Article 123. Failure to conclude a labor contract and the utilization of hired labor under the cover of family relationships, fictitious adoptions, etc., represent a serious violation of labor legislation; the individuals guilty of actually utilizing hired labor in such cases are subject to criminal proceedings.

XVIII. Procedure for the Hiring of Workers by Herdsmen and Their Conditions of Work

Article 124. To develop cattle breeding and increase the amount of livestock in the Mongolian People's Republic, free hiring of workers has been decided for the pasturage of livestock, care of livestock, the shearing of wool, and other farming activities, provided the members of the herdsman's family who are capable of work are included among the workers.

Article 125. Persons under 15 years of age may not be hired.

Article 126. All hiring of labor by herdsmen must be entered into by voluntary agreement between the herdsman and the worker, and this agreement must be formulated by written contract. Labor contracts may be concluded in the name of a worker at his request, by a subdistrict or township administration. Contracts for hiring minors are concluded by the parents, the guardian, or the subdistrict or township administration. If the hirer and the hired are both illiterate, the township administration, at their request, shall make a record of the hiring and labor conditions, which record has the validity of a labor contract. It is possible to draw up a contract with a whole family as one party to the contract, but the payment must be made to each individual of the family.

Article 127. All labor contracts must be registered with the administration of the subdistrict through the township. A contract is automatically completed at the end of a year. It may be renewed by agreement of both parties for another year.

Article 128. The time of work, the amount and nature of payment, and the time off, as well as other conditions of work are determined by open agreement and included in the contract.

NOTE: Payment for work may be made in money, food provisions (milk products, butter, etc.), livestock, clothing, etc., providing such payment is so indicated in the labor contract.

Article 129. All herdsmen households, employing hired labor, are obliged to maintain workers in time of sickness (but for not more than one month) and to pay them their full wages as well as meet other features of employment described in the labor contract.

Article 130. Articles 57, 58, 62, 91, 93, and 114 as well as other principles of this law are applicable to workers hired by herdsmen households.

Article 131. All disputes between the worker and the herdsman concerning the fulfillment of work or the conditions of the labor contract shall be settled in court.

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Article 132. The fulfillment of labor contracts is supervised by the subdistrict and township administrations. The general supervision over hiring procedures and labor conditions in the case of workers hired by herdsman households is carried out by the Central Council of Trade Unions and its local organs.

XIX. Applicability of the Labor Law

Article 133. The present Labor Law is applicable in all territories of the Mongolian People's Republic, and it covers all persons who work for hire. It is binding on all government, social, cooperative, or private enterprises, establishments, farms, or private persons, who employ hired labor. The present law is not applicable to persons engaged in military service in the People's Revolutionary Army, in military defense within the country or along the border, for which there are corresponding regulations which exclude workers for hire.

Article 134. The regulations of the conditions of work and the operation of this labor law throughout the Republic are carried out under the auspices of the Central Committee of the Labor Unions and their local organizations. The Central Committee of the Labor Unions may issue instructions, regulations, and interpretations concerning the application of the Labor Law only with the approval or agreement of the Council of Ministers.

Article 135. Persons who violate the rights of workers under this law are subject to legal prosecution or administrative correction as determined by the case itself.

Article 136. The present law comes into effect on the day of its ratification. With its proclamation the following are abolished:

- a. The Labor Law ratified by the Council of Ministers 30 June 1934, and by the Presidium of the Lesser Assembly 3 August 1934.
- b. All other decisions and orders, contrary to this law, irrespective of the nature of their origin.

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